

REMARKS

Claims 1-4, 7 and 13 are presented for consideration, with claim 1 being the sole independent claim.

Independent claim 1 has been amended to further distinguish Applicants' invention from the cited art. Support for the claim amendment can be found, for example, on page 14, line 25 to page 19, line 4 of the specification as originally filed. Therefore, no new matter has been added.

Claims 1-4 and 13 stand rejected under 35 U.S.C. 103(a) as being obvious over U.S. Patent No. 6,233,426 to Lee in view of U.S. Patent No. 4,172,660 to Yanofski. Claims 7 and 13 stand rejected as being obvious over Lee in view of Yanofski and U.S. Patent No. 5,541,712 to Fujitaka. These rejections are respectfully traversed.

Claim 1 of Applicants' invention relates to an original cover for an image reading apparatus with a cover member, a hinge member and a spring. The hinge member has one end pivotally supported by a rotary shaft on the cover member and another end mounted on and pivotally supported by the original stand. The spring is configured and positioned to eliminate the play between the hinge and the cover member in a direction parallel to the rotary shaft, making constant the axial positional relation between the hinge member and the cover member by biasing the cover member in a direction parallel to the rotary shaft. The cover member is also biased in a direction in which the cover member is opened with respect to the hinge member.

The primary citation to Lee is directed to a cover assembly with a plurality of articulated links and is relied upon for teaching a cover member and a hinge member.

It is acknowledged in the outstanding Office Action that Lee fails to teach the claimed spring, but stated that it would have been obvious to one having ordinary skill in the art to include the claimed spring in view of the teachings of the teachings of Yanofsky.

The Yanofsky patent is directed to a cover for a copying apparatus with a pivoting arm and is relied upon for teaching the use of a spring. According to the outstanding Office Action, the spring of Yanofsky is configured and positioned to eliminate the play between the hinge member and the cover member in the axial direction of the hinge member, thereby making constant the axial positional relation between the hinge member and the cover member by biasing the cover member in a direction parallel to an axis of the rotary shaft of the hinge member. Applicants respectfully disagree.

Spring means 33 of Yanofsky is provided between pivot pin 41 of pin member 32 and anchor 27 of the copier housing. As understood by Applicants, any “play” would be eliminated via slot 38 by the spring means by biasing the pin in a direction to the right as seen from the view in Figs. 1A-1D.

In contrast, claim 1 recites the feature of a spring making constant the axial positional relation between the hinge member and the cover member by biasing the cover member in a direction parallel to the rotary shaft. This feature is illustrated, by way of example, in the direction indicated as “a” in Fig. 5 of the present application.

As can be seen in Figs. 1A-1D of Yanofsky, the spring in that patent fails to teach or suggest, at least, this feature, since the spring is provided between the hinge and the original stand, and any removal of play in Yanofsky would occur in a direction substantially perpendicular from that recited in claim 1.

Accordingly, it is respectfully submitted that Lee, whether taken alone or in combination with Yanofsky, fails to teach or suggest Applicants' claimed invention as set forth in independent claim 1. Reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejection is thus respectfully requested.

The Fujitaka patent is directed to a document pressing device and is relied upon for teaching use of a tension spring and is not understood to cure the above-noted deficiencies with respect to Lee and Yanofsky. Furthermore, Applicants submit that replacing the spring of Yanofsky with the torsion spring as taught by Fujitaka would render such a combination inoperable. It is thus requested that the 35 U.S.C. § 103(a) rejection of claims 7 and 13/7 be withdrawn.

Accordingly, it is submitted that Applicants' invention as set forth in independent claim 1 is patentable over the cited art. In addition, dependent claims 2, 3, 7, and 13 set forth additional features of Applicants' invention. Independent consideration of the dependent claims is respectfully requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should be directed to our address given below.

Respectfully submitted,

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